

Marc S. Stern  
1825 NW 65<sup>th</sup> Street  
Seattle, WA 98117  
(206) 448-7996  
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Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DZ BANK AG DEUTSCHE ZENTRAL-  
GENOSSENSCHAFTSBANK,  
FRANKFURT AM MAIN, NEW YORK  
BRANCH,

Plaintiff,

v.

THE MEYER IRREVOCABLE TRUST,  
INSURANCE CHOICES 4 U, INC., and  
INSURANCE CHOICES FOR YOU,  
INC.,

Defendants.

No. 2:14-cv-01133-RSM

DECLARATION OF MARC S. STERN  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT  
OF DISMISSAL

Marc S. Stern declares under penalty of perjury that the following is true and correct to the best of my knowledge and belief.

1. I am the attorney for the Defendants above-named and have actual knowledge of the matters hereinafter set forth.

2. Attached hereto as **Exhibit 1** is a copy of my letter dated January 14, 2015 to Plaintiff's counsel enclosing my trust account check in the amount of \$123,290. The letter explains how the amount was calculated.

3. Attached hereto as **Exhibit 2** is a redacted copy of the check showing that it has cleared my trust account.

4. Attached hereto as **Exhibit 3** is a copy of the satisfaction of the judgment.

DECLARATION OF MARC S. STERN IN  
SUPPORT OF DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT OF DISMISSAL - 1  
SJ dec - marc.wpd

MARC S. STERN  
ATTORNEY AT LAW  
1825 NW 65<sup>TH</sup> STREET  
SEATTLE, WA 98117  
(206)448-7996



# EXHIBIT 1

MARC S. STERN

Attorney at Law  
1825 NW Sixty Fifth Street  
Seattle, Washington 98117

(206) 448-7996  
E-Mail: marc@hutzbah.com

Fax: (206) 297-8778

January 14, 2015

Michael W. Johns  
Roberts Johns Hemphill  
7525 Pioneer Way, Suite 202  
Gig Harbor, WA 98335

Re: DZ Bank v. Louis Meyer and Lynn Meyer  
Adversary No. 13-01036-KAO

Dear Mr. Johns:

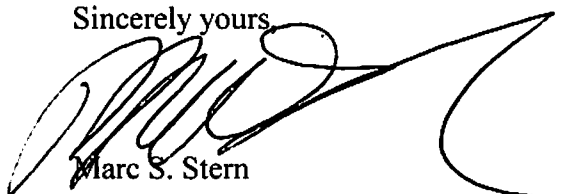
Enclosed please find my trust account check in the sum of \$123,290. This represents the judgment of \$123,200 with interest almost through the end of the month. Interest accrues at the rate of 34¢ per day, and the entire judgment with interest through today is \$123,284.38.

This was calculated using <http://www.postjudgmentinterest.com> and a print out of the page is attached. Using the old fashioned way, the federal judgment interest rate on the date of the judgment was .10%. A copy of a printout from one court's website (<http://www.utd.uscourts.gov/documents/int2014.html>) is attached showing the number. The judgment amount of \$123,200 times .10% divided by 365 produces a per diem of 34¢. This times the 250 days since entry of the judgment produces the same result.

Please send me a Satisfaction of Judgment and advise which courts the judgment may have been transcribed or filed. Also, please dismiss the other lawsuits filed by your client to collect this amount.

Thank you for your prompt attention to this matter.

Sincerely yours,



Marc S. Stern


MSS:tb


Enclosures:

Trust account check in the sum of \$123,290  
Interest Rate Sheet from Court  
Interest Rate calculation

cc: Louis and Lynn Meyer

# EXHIBIT 2

<b>MARC S. STERN ATTORNEY AT LAW</b> <b>IOLTA ACCOUNT</b> 1825 NW 65th Street Seattle, WA 98117 206-448-7996		No. <b>011177</b> 28-7174/3251 Date <u>1-14-15</u>	
Pay to the Order of <u>Robert Johns Hemphill Trust Account</u> \$ <u>123,290<sup>00</sup></u>			
<u>One Hundred Twenty-three Thousand Two Hundred Ninety</u> Dollars		Security details on back.	
Sterling Savings Bank 1191 2nd Ave., Suite 1900 Seattle, WA 98101			
For <u>Judgment in</u> <u>02 Bank v. Meyer</u>			
⑆325171740⑆		58320 11177	

 FEDERAL RESERVE BANK REGULATIONS CC Security features on this document include a Micro-Print Security Line and Security Screen. Absence of these features may indicate alteration. Padlock design is a certification mark of Financial Institutions Association	>125108272< Columbia Bk #1008 2015-02-10 0008598788		DO NOT SIGN / WRITE / STAMP BELOW THIS LINE FOR FINANCIAL INSTITUTION USE ONLY		
	8888598788				
		ENDORSE HERE: 7981 X PAY TO THE ORDER OF COLUMBIA BANK FOR DEPOSIT ONLY ROBERTS JOHNS & HEMPHILL PLLC IOLTA TRUST			

# **EXHIBIT 3**

The Honorable Karen A. Overstreet  
Chapter 7

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON**

IN RE:

LOUIS PHILLIPUS MEYER and LYNN  
MEYER,

Debtors.

DZ BANK AG DEUTSCHE ZENTRAL-  
GENOSSENSCHAFTSBANK,  
FRANKFURT AM MAIN, NEW YORK  
BRANCH,

Plaintiff,

v.

LOUIS PHILLIPUS MEYER and LYNN  
MEYER,

Defendants.

Case No. 12-17379

Chapter 7

Adversary No. 13-01036-KAO

**SATISFACTION OF  
JUDGMENT**

**JUDGMENT SUMMARY**

Judgment Creditor:

DZ BANK AG DEUTSCHE ZENTRAL-  
GENOSSENSCHAFTSBANK, FRANKFURT AM  
MAIN, NEW YORK BRANCH

SATISFACTION OF JUDGMENT -- 1

**ROBERTS JOHNS & HEMPHILL, PLLC**  
7525 PIONEER WAY, SUITE 202  
GIG HARBOR, WASHINGTON 98335  
TELEPHONE (253) 858-8606  
FAX (253) 858-8646



Attorneys for Judgment  
Creditor:

Alex Darcy and Michael Debre,  
Askounis & Darcy, PC  
444 N. Michigan Ave.  
Suite 3270  
Chicago, IL 60611

Michael W. Johns  
Roberts Johns & Hemphill PLLC  
7525 Pioneer Way Suite 202  
Gig Harbor, Washington 98335

Judgment Entry Date: May 9, 2014

Judgment Debtors: LOUIS PHILLIPUS MEYER and LYNN MEYER

I, MICHAEL W. JOHNS of ROBERTS JOHNS & HEMPHILL, PLLC,  
attorneys for the Plaintiff W DZ BANK AG DEUTSCHE ZENTRAL-  
GENOSSENSCHAFTSBANK, FRANKFURT AM MAIN, NEW YORK BRANCH,  
acknowledge payment in the amount of \$123,290.00 by the judgment debtors  
LOUIS PHILLIPUS MEYER and LYNN MEYER, made in satisfaction of the  
judgment entered by the Honorable Karen A. Overstreet on or about May 9,  
2014, under Adversary No. 13-01036-KAO. **As Plaintiff has appealed the  
judgment on the grounds that the damages awarded are inadequate,  
Plaintiff's acceptance of payment of the amount of the unsatisfactory  
judgment does not amount to an accord and satisfaction of the entire  
claim.**

SATISFACTION OF JUDGMENT -- 2

ROBERTS JOHNS & HEMPHILL, PLLC  
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GIG HARBOR, WASHINGTON 98335  
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FAX (253) 858-8646

1  
2  
3 DATED this 20 day of February, 2015.  
4

5 ROBERTS JOHNS & HEMPILL, PLLC  
6

7 By: [Signature]  
8 Michael W. Johns, WSBA No. 22054  
9 Attorneys for Plaintiff

10 SIGNED AND SWORN to before me this 20<sup>th</sup> day of February, 2015.  
11



Kristine R. Pyle  
NOTARY PUBLIC in and for the  
State of Washington, residing at  
Yelm, WA  
My Commission Expires: 9-4-17

SATISFACTION OF JUDGMENT -- 3

ROBERTS JOHNS & HEMPILL, PLLC  
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FAX (253) 858-8646

Certificate of Service

I hereby certify that a copy of *DZ Bank's Satisfaction of Judgment* was served on the Defendants on February 20, 2015, through their counsel, using the Court's ECF system.

/s/ Michael W. Johns  
Michael W. Johns, WSBA#22054

SATISFACTION OF JUDGMENT -- 4

**ROBERTS JOHNS & HEMPHILL, PLLC**  
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